

“(h) LIABILITY.—Members of the board are not personally liable, except for gross negligence.”.

(9) In section 151305(b), strike “the State of”.

(10) In section 152903(8), strike “Corporation” and substitute “corporation”.

## SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.

(a) The provisos in the paragraph under the heading “AMERICAN BATTLE MONUMENTS COMMISSION” in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105-65, Oct. 27, 1997, 111 Stat. 1368, 36 App. U.S.C. 121b, 122, and 122a) are repealed.

(b) Paragraph (3) of section 198(s) of the National and Community Service Act of 1990 (42 U.S.C. 12653(s)(3)) is repealed.

(c) Effective August 12, 1998, Public Law 105-225 (Aug. 12, 1998, 112 Stat. 1253) is amended as follows:

(1) Section 4(b) is amended by striking “2320(d)” and substituting “2320(e)”.

(2) Section 7(a), and the amendment made by section 7(a), are repealed.

## SEC. 3. EFFECTIVE DATE.

The amendment made by section 1(8) of this Act shall take effect as if included in the provisions of Public Law 105-225, as of the date of enactment of Public Law 105-225.

## SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—(1) Section 1 of this Act restates, without substantive change, laws enacted before September 5, 1998, that were replaced by section 1. Section 1 may not be construed as making a substantive change in the laws replaced.

(2) Laws enacted after September 4, 1998, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense com-

mitted under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a heading of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

## SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

### SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1997						
Nov. 18	105-85 .....	1082, 1501-1516 .....	111	1917, 1963 .....	36 App.	189a, 1101, 5801-5815
Nov. 20	105-110 .....	.....	111	2270 .....	36 App.	45
1998						
Aug. 7	105-220 .....	413 .....	112	1241 .....	36 App.	155b
Aug. 13	105-231 .....	1-16 .....	112	1530 .....	36 App.	1101, 5901-5915

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

#### GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HUTCHINSON asked and was given permission to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, S. 2524 is a bill prepared by the Office of Law Revision Counsel. It makes purely technical and nonsubstantive changes in title 36 of the United States Code dealing with patriotic organizations.

Mr. Speaker, S. 2524 codifies in title 36, United States Code, certain laws related to patriotic and national observances, ceremonies, and organizations that were enacted after the cut-off date for the title 36 codification

recently enacted as by Public Law 105-225. S. 2524 also makes technical corrections in title 36 and repeals obsolete and unnecessary provisions. S. 2425 is identical to H.R. 4529 introduced by Chairman HYDE on September 9, 1998.

This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives under its statutory mandate (2 U.S.C. 285b) To prepare and submit periodically revisions of positive law titles of the code to keep those title current.

The Law Revision Counsel assures me that S. 2524 makes no change in existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment of S. 2524.

Enactment of S. 2524 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

I urge my colleagues to support S. 2524.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the minority is in concurrence with this particular measure, and at this time we are prepared to agree.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend

the rules and pass the Senate bill, S. 2524.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1999, and for other purposes; and that it be in order at any time to consider the joint resolution in the House; and that the joint resolution be considered as having been read for amendment; and that the joint resolution be debatable for not to exceed 60 minutes, to be equally divided and controlled by myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint

resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 134

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105-240 is further amended by striking "October 12, 1998" and inserting in lieu thereof "October 14, 1998".*

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 134, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the second continuing resolution for fiscal year 1999 expires tonight at midnight. We have not yet completed our negotiations on our wrap-up appropriations bill, but we are almost there, I hope, and we will need another day or two to complete our work and get it to the floor. An extension of a further continuing resolution is needed in order to do that, and so adoption of H.J. Res. 134, which runs through October 14, will give us time to complete our remaining work.

Mr. Speaker, I do wish that we did not have to bring this joint resolution to the floor and that all Members could have by now gone home to campaign for reelection, but we need more time, and we are just not there yet. I do not think we need to debate this issue extensively or take a lot of time today. We know what the issues are. We know that we need to take this action in order to keep the government open. It is our intention to keep government open and not to jeopardize the liveli-

hoods of all of the Federal employees or the services that they perform. So adoption of this continuing resolution will give us the time needed to complete our work and keep the government running.

Mr. Speaker, I urge adoption of the joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as my colleagues know, as a lot of people in this building know, since the end of the fiscal year, those on the Committee on Appropriations, most especially the gentleman from Louisiana (Mr. LIVINGSTON) and myself, have been locked in meeting after meeting after meeting, trying to resolve the literally hundreds of items that still must be resolved before we can finish this congressional session.

I must say that while the gentleman from Louisiana and I are very good friends personally, I am getting about as sick of him as he probably is of me. In fact, I think we have spent more time in the last week with each other than we have with our wives. That shows us how much bad judgment both of us have.

But, having said that, I would simply say that I think we have been making considerable progress on a number of items, and I think as that progress comes forth that the atmosphere in the room has turned from the initial atmosphere of confrontation and distemper on occasion to one of more friendliness. We have been making some progress.

But I do want to say I think we need to have an honest understanding of why we are in this position. I feel myself incredibly lucky to be a member of this body. Every day when I wake up I have to pinch myself to make certain that it is really true that I have been accorded the privilege of representing not only the people of my district in this institution but, on cases like this, representing my party with the gentleman from Louisiana (Mr. LIVINGSTON) representing his in these negotiations.

I have tremendous love for this institution and tremendous respect for the appropriations process. But I think that there have been some things said about why we are here which are really not accurate or fair.

A number of high-ranking members of this House have indicated when they talk to the television cameras that the reason we are here at the end of the year with the appropriation bills still not being signed into law is somehow because the President has not been sufficiently engaged in these discussions; and yet, those comments are directly at variance with what is being said behind closed doors in the meetings that I am participating in to try to end this impasse.

Because behind closed doors in those budget negotiations, we are being told by people who I respect that the Presi-

dent, really, and his representatives should not really be at the table at all, that this should simply be a congressional process, and that the Congress ought to take whatever action it is going to take, and then, if the White House does not like it, it should veto that.

And I would say that at least with some parties, most certainly not the gentleman from Louisiana, on the part of some parties in the conference, the assistance that we have been given by the White House staff in this process has been accepted most grudgingly and I think sometimes with a great deal of resentment on the part of certain Members of Congress.

Now, it would be nice to say, and I would say I agree that, institutionally, the best way for us to proceed is for us to produce our appropriation bills and send them up to the White House, and if the White House does not like them, then they have a right to veto them. But it is rather easier to take that institutional position in July than it is at the end of September, the beginning of October when we are at the end of the road and need to get things done. Then we have no choice but to have the White House representatives in the room, because they, after all, have to agree to a significant amount of what we do, or there would not be agreement.

I think we have to look at why we have gotten in this position. We have gotten to this position, in my view, because of the forces largely outside of the appropriations process. To start with, the House leadership scheduled far fewer days of session than at any time in my memory. That was followed up by a complete lack of action on the part of the Committee on the Budget. We still do not have a budget for the United States Government. The Committee on the Budget still has not produced a budget conference; and, because of that delay, the appropriations process was put hopelessly behind. We were supposed to have our appropriation bills done by July, and yet, because of the delay in the budget process itself, our committee was not even allowed to come to the floor with many of these bills in July, bills that normally would have come to the floor in mid-April or early May.

That was compounded by the mistake that—out of all of the years, this was the worst possible year to do this—that was compounded in my view by the mistake of having double the length of time that is normally taken for the July 4th recess. And, as a consequence, if one walks into the appropriations room and looks at the calendar and sees how many days were left for the Committee on Appropriations to do its business, the answer is, only a handful of days between the July 4th recess until we again recessed for some five full weeks in August.

As a result, we were dealing with conference reports between the two Houses on appropriation bills in early

October that we should have been able to deal with in early September.

Now that is not the fault of the Committee on Appropriations. It is not the fault of the chairman of the committee. It is not the fault of any of the appropriation subcommittees. It is simply a fact of life. And I am going through this simply to make the point that the President had nothing whatsoever to do with any of this problem. This is a problem that Congress as an institution has brought upon itself by its failure to get its work done.

So now we have no choice but to try to sit down around the table with people from the other end of Pennsylvania Avenue and get our work done.

□ 1500

We still have a large number of issues that divide us. We still have some major issues in the area of education that divide us to a great degree, matters of the President's initiative on class size, and matters of the President's initiative on school construction, so that we can see to it that children in this country are not, as the President says, brought up in buildings that are falling down.

We also have another cluster of issues involving a woman's right to have her insurance policy cover basic contraceptive services. Those issues still have not been resolved.

We have a large number of issues on the environment that still divide us. We have a number of foreign policy issues that divide us, including the appropriate level of funding for the United Nations, which is crucial if we are going to be getting involved in a war in Kosovo, as it appears we may very well be getting into.

So it just it seems to me that we have an immense amount of work to do. We are going to have to have a great deal of flexibility in order to get it done. I would urge Congress to recognize that the President is serious. He intends to get these initiatives, and in my judgment, we are going to be here in Washington until he does.

With that, I would like to pack my bags very early, but I am not packing yet, because I think it is going to be a number of days before this work is completed.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to say that in many respects I agree with what the gentleman from Wisconsin (Mr. OBEY) has said. I believe that the Committee on Appropriations has done its business within the time frame allotted to us. Unfortunately, that time frame has not been sufficient to complete our business, but I think we have a strong record of achievement.

In order to fully appreciate that record of achievement, I think that the gentleman from Wisconsin (Mr. OBEY) makes it incumbent upon me to try to

state for the RECORD exactly our perspective of the events of the last year.

The fact is, what we are doing here today is a continuation of effort which began with the very significant achievement accrued by the Congress and the President last year when both sides, Republicans and Democrats in the House and Senate, reached an agreement with the President of the United States to balance the budget by the year 2002. The President signed on the dotted line.

We knew that budget restraint was going to be great in the coming years, but we felt very strongly, as many Members have for the last 30 years, that we were jeopardizing the fiscal integrity of this country and mortgaging our children's future if we did not make a dent on the deficit and begin to balance the budget, and that it was imperative that we work toward that goal.

Again, I wish to clarify the RECORD. The balanced budget agreement last year that we signed with the President called for a balanced budget by the year 2002. We have exceeded all expectations of only a year ago. We are balancing the budget. There is a \$70 billion surplus. So our efforts paid off.

But it was as early as February of this year when the President stood where the Speaker pro tempore is standing and proclaimed to the Nation that the balanced budget agreement was nice when it was signed, but now he wanted an additional \$9 billion this year in spending, and an additional \$150 billion in spending for the next 5 to 10 years all financed with unrealistic offsets.

If the balanced budget agreement was good a year ago, it seems to me it is good now. The President had suggested in February, this last February, that he insisted on his spending, and he was going to require Congress to raise taxes and fees on the American people by a significant amount so he could tell them how their money should best be spent.

Congress did not accept those taxes and fees. The President criticizes us for not raising the price of a pack of cigarettes to every working stiff around America, and not raising tobacco taxes and other gimmicks, and user fees, and all sorts of other things that would give him that revenue that he could then turn around and hand to the American people and say, look what I have done for you.

We did not give him that extra revenue, because we do not believe in raising taxes. In fact, if anything, the House of Representatives believes in lowering taxes, and we have prepared a tax decrease, a tax cut of \$80 billion over the next 10 years. Unfortunately, that did not prevail in the system because the President said he was going to veto it, so it just did not get through.

Still, we have the great distinction of working now with the first surplus in 30 years. The balanced budget agree-

ment last year was successful beyond all means. But the President, in addition to laying out an agenda for extra spending, \$9 billion this year over and above the budget caps he agreed to last year, also laid out an ambitious legislative agenda, and then unfortunately got caught up in a lot of problems that were not of the making of this Congress; in fact, they were of his own making.

Also, he did not hesitate to go off at the same time on lots of fundraising tours. He went all over the country raising money for his party. Fine, he is entitled to do that. But I daresay, some two-thirds of all the days that have transpired since the first of the year he was not at the White House, he was somewhere else. He was paying attention to other things. The legislative agenda was the farthest thing from his mind.

So we see now the President on TV saying that he demands that the Congress stay here until it does everything that he wants it to do, and I appreciate that. It is good politics. But we have been here, as the gentleman from Wisconsin (Mr. OBEY) points out, slugging it out, trying to do our work.

Unfortunately, we have made some mistakes along the way. We got engaged in a budget fight. Why? I do not know. Our fight goes something like we knew we had a wonderful balanced budget agreement with the President last year, but let us try to cut 10 percent of spending below that level that we agreed to. I said that was a mistake. I thought that was biting off a little more than we could chew. We fought about that for 3 or 4 months, and in the process, set back the appropriations schedule.

Normally, we would be taking up bills in mid May. We did not start taking up bills until mid June. I think this fight was a mistake, but that was not the fault of the Committee on Appropriations. I have to state that for the RECORD.

We did not start until the end of June, and then we had a break to go home for a district work period, and then we came back. We had a few days, and then we had some Jewish holidays. Then we came back, filled in, and then we had a few other things we had to go do. We came back and filled in.

The Committee on Appropriations has gotten its work done. In fact, we reported all but one of our bills out of committee by the end of July, and we passed nine of those bills by the end of July through the House of Representatives. It went over to the Senate. They had some progress as well, but because of the breaks and because of the late dates and because of the focus on other battles, other priorities, among various Members, Republican and Democrat, the fact is that we did not have the time to finish all of our conferences and get them reported out for consideration by the House.

As a result, we now find ourselves in this omnibus process, which means we

finish as best we can conferencing all of our bills, lumping them together, and sending them to the President in one fell swoop, in addition to a significant supplemental appropriations for disasters, which are very much needed, but which are significant in terms of real dollars.

They include remedying the shortfalls in defense, because the President has troops deployed all over the world; passing Y2K computer conversion money to rectify the computer problem; passing additional funding to improve the safety and the security of our embassies, because of the bombings in Africa, and also in terms of trying to rectify the damage that has been done due to various storms and natural disasters, as well as to the drought and to the devastation in the farming community.

But by the time we consider that very significant disaster bill, in addition to the other emergencies, and add them to this supplemental omnibus bill, our Members are going to be called upon to vote on a very large and significant bill within the next few days.

I am hoping against all hope that we are going to complete the discussions on this bill tonight, and that it will be compiled by our staff and be available for a vote and final passage in both bodies by Wednesday. For that reason, we are asking for this continuing resolution, in an effort to make sure that we do complete our business and get through the process. Hopefully we can close the House down on Wednesday before midnight, when this continuing resolution actually expires.

The bottom line is that we should play honestly with the cards that we are dealt. We need to recognize that we do need a better way to dispose of our budget dilemmas. We need to try to get out of the photo ops both in the House and Senate, Members of both sides of the aisle, and down at 1600 Pennsylvania Avenue.

We need to get into the conference rooms and decide our issues and look forward, not towards others, as we assess where we are and when we are going to get the job done. We need to ask for our colleagues' patience and support and understanding, and if they will provide that to us at this late hour, we will dispose of the Nation's business.

Mr. Speaker, I reserve the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. BASS). The gentleman will state it.

Mr. OBEY. Is it possible to have the rollcall machine turned on at this point, Mr. Speaker?

The SPEAKER pro tempore. Would the gentleman say his parliamentary inquiry again?

Mr. OBEY. Is it possible to have the rollcall machine turned on, so we can see the names of Members of the House displayed before us?

The SPEAKER pro tempore. That is not in order at this point.

Mr. OBEY. Further parliamentary inquiry. Does the Chair have a list of the membership of the House of Representatives at hand?

The SPEAKER pro tempore. The Clerk has the roll of the Members.

Mr. OBEY. Could the Speaker pro tempore tell me if the name of William Jefferson Clinton is listed among those who are a Member of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I thank the Speaker for making my point. The gentleman simply indicated in his remarks that one of the reasons that the Congress has not finished its work is because the President was out of town too often.

I would point out that the President is not a Member of this body. The President has no ability to determine whether this House is or is not going to produce its appropriation bills. Under the Constitution, the last time I looked, the only time that a president can affect an appropriation bill is after the Congress gets the bill to the president. The last time I looked, out of the 13 appropriation bills that we are supposed to finish before the end of the fiscal year, only two of those 13 have gotten to the President.

So with all due respect to the gentleman's argument, I would suggest it is passing the buck to suggest that somehow the President is at fault for not signing bills that we have not yet sent him. I would simply note that this Congress has worked the least number of work days in decades. We have enacted the least number of bills in decades. We have no budget. We have only two of the appropriation bills finished.

Since 1979, the average legislative session in a nonelection year has been 157 days. Yet, in the previous year, the Congress only met 132 days, five weeks shorter than the '79 average. So all I am suggesting, without trying to get into an argument about who shot John, is to suggest that the reason that we are here today is not because the President was not participating in any sessions. We are here today because the Congress did not finish its work.

In fact, in the appropriation meetings which they are having right now, fierce objection has been lodged, as the gentleman well knows, by parties to the very presence of staff representing the President to the United States.

All I am asking of the other side is to make one argument or make the other. Either argue that the President has not been sufficiently engaged, or argue that he should not be engaged, but they should not try to argue one thing outside of the room when they are talking to the press, and the other thing when they are inside the room talking to me, because I have a limited capacity to understand that kind of doubletalk.

□ 1515

Mr. LIVINGSTON. Mr. Speaker, I thought this was going to be a congenial, easygoing debate.

Anyone who knows anything about the legislative process knows that, Mr. Clinton is not a Member of Congress. I concede that. He is not a Member of the House. He is not a Member of the Senate. But, he occupies the Presidency now.

I happen to recall that, under the Constitution, that we must pass our bills and they must go down to the President for his signature or his veto.

Mr. Speaker, I turn on the television in the last few days, and I hear the President saying, that he is not going to accept anything less than everything.

He is making the demands now at the end of the process, conveniently 3 weeks before the election, and he really was not interested at all in the process over the last 8 months since his State of the Union speech.

Since July, our Committee on Appropriations members have been pleading with the administration to give us their budget offsets, which meant that if they asked us for more than the budget caps allowed to us in the budget agreement from last year, how could we pay for it? They said, We will give them to you. We will give them to you next week, next month, and then the next month.

The fact is that, until this morning, we did not get their budget offsets. We asked for them last Friday. We asked for them Saturday. We asked for them Sunday while we were all here. I was with the gentleman from Wisconsin (Mr. OBEY). I got tired of looking at him, too.

But the fact is, we were saying to the Administration, Look, give us your budget offsets, and we can find out how much over the budget caps we can be, because we are going to pay for it with your budget offsets. They gave them to us this morning, 12 days past the end of the fiscal year.

To say that the President does not need to be involved in the process is not wholly accurate. The fact is that the President's people have witnessed and watched every step of the way as we have progressed, but they have been holding their cards back, being cagey, waiting to the last second to give us their side. And the President all of a sudden at this late hour, after some of his problems got put behind him, all of a sudden is getting very tough. I appreciate that. That is the nature of the beast at this late political hour.

But, Mr. Speaker, the time for games, the time for photo ops, the time for political posturing is over. It is time to get down to business; finish this doggone omnibus and supplemental bill; send it to the President; and let us hope that the President is not politically posturing for photo ops or for election purposes and that he will be serious and that he will sign this bill and that we can go home.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I sat here listening to the two gentlemen that I have immense respect for, the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), ranking member. I have immense respect for all of the members of the Committee on Appropriations. But we need to have something put in perspective.

There are 435 Members of Congress, and if each one of them was given an opportunity to spend the money, they would spend it 435 different ways.

It is also a bit unfair to criticize the President for traveling, even if it is in the nature of fund-raising. The White House travels with the President everywhere he is, all over the world. Not just Bill Clinton, any President. All of us know that. He is available at any point in time to undertake to do the business of this Nation.

What we can say that we have not done, no matter the direction of the criticism, is we have not done managed care reform. We have not done a bill to reduce class size in modernizing our schools. We have done no action to safeguard the surplus for Social Security. We have not done a bill to reduce teen smoking. So those are some exacting criticisms.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE) chairman of the Subcommittee on Treasury, Postal Service, and General Government Appropriations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Louisiana (Mr. LIVINGSTON) for yielding me this time.

Mr. Speaker, let me just say that I think it is very clear to those of us that have been around this process, and others speaking on the floor here have been around it a lot longer than I have, this is the kind of situation that we run into virtually every year at the end of the fiscal year. We always have the hopes that we are going to have every appropriation bill done by September 30, and we almost never do. At least in my recollection, I do not believe we have ever had all of them done by September 30.

So this is not unusual, whether it is a Republican Congress or a Democrat Congress. This is the nature of the way the legislative process works. The old adage about the two things one does not want to watch if they have got a bad stomach is sausage being made or laws being made, it certainly applies when we get to the end of session. It is just the nature of the beast that we have to get enough pressure built up for both sides to get something done.

So I think this bit of finger-pointing in either direction is really not very helpful. The fact is, this Congress has been here. We have been trying to get this done. The fact of the matter is that it has been hard to get the White House engaged. Heaven knows, they have had a few other things on their mind down there.

And the gentleman from Florida (Mr. HASTINGS) a moment ago said the White House travels with the President, whatever President. That is true. To some extent, that is true for us when we travel to our districts. We are always able to be in touch with our staffs back here. But we cannot negotiate the same way. It is very difficult for the President to negotiate or have his people negotiating when the President is not directly in touch or engaged in other things, and the President needs to be directly engaged in these kinds of negotiations.

We need to get this done so we can get the work of this Congress of this appropriations process done, and so that we can all get home and get this Congress over with. I think when it is all said and done, we can look back with considerable pride on this Congress and the work that we have done, on the legislation that we have passed, and the fact that we have achieved a balanced budget. I have no problems looking with pride on the record of this Congress.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I have a great deal of respect for the gentleman from Arizona (Mr. KOLBE) who just spoke. He is one of the best Members of the House, in my view. But I simply want to correct the Record.

This is not what happens every year. Last year, the majority of the appropriations bills were finished by the beginning of the fiscal year. We had a bipartisan approach last year.

The last year that I chaired the committee, every single one of the appropriations bills was finished on time. There was no need for any continuing resolution.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, to hear our friend, the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, one would think that there were a number of surprises this year: That we were limited to 12 months, as compared to other years; that, as the gentleman from Wisconsin (Mr. OBEY) the ranking Democrat pointed out, that the President was not here, a Member of the House negotiating on a daily basis.

The reality is what the very capable chairman of the Committee on Appropriations has for a problem is he cannot get agreement on his side in the House or in the Senate, and he cannot get the House and the Senate to agree.

Mr. GINGRICH, the Speaker, has decided that this year they will operate

as a parliamentary body. So for a long time there has been a fight on the Republican side of the aisle, a very partisan fight based on political ideology. And with a 61-vote margin, they were not able to pass a budget bill. They have got a 10-vote margin in the Senate.

You would think that, without the President or without the Democrats, they could come together with a proposal, bring it to the House and the floor, pass it through both bodies and send it to the President and dare the President to veto it. They cannot get their House in order.

Lastly, we have spent time on the wrong things. My understanding is the Committee on Appropriations is trying to give billions, millions of dollars worth of oil money away to private citizens that really belongs to the Federal Government. Instead of dealing with health care reform, instead of dealing with a quarter of a million seniors in the country who have lost their HMO coverage, instead of dealing with education, we are still trying to take care of the private economic interests of a handful of people out there.

Mr. Speaker, I think if we could get the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) to run this without some of the interference, we would do just fine in this House. The problem is a partisan battle inside the Republican party has prevented us from having a budget. It has prevented us from having an appropriation bill. And now, to argue that somehow either the month of the year or the Jewish holidays popping up in September is a surprise just does not work.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just simply say to the gentleman from Connecticut (Mr. GEJDENSON) that I cannot speak for the budget process, but the Committee on Appropriations for this year has exceeded the record of all Committees on Appropriations of all Congresses over the last 15 years, with the exception of 5. In other words, we will have beaten the record for Congress' least action in 10 of the last 15 on the appropriations process if we get out of here on Wednesday.

Now, drag it out beyond there, and then maybe we might not be able to brag so much. But we are still doing pretty good.

I can remember over the last 15 or 20 years that I have had the great fortune of serving in Congress, the fact is there have been many years where we have been here at Christmas, struggling to wrap up appropriations bills by such time.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing, and Related Programs Appropriations.

Mr. CALLAHAN. Mr. Speaker, this debate is supposed to be about whether

or not we are going to fund the government for the next 2 days, rather than shut the government down. Instead, it has turned into a debate on who is responsible for what and where the President is, or whether or not the President's name is listed on the roster of the Members of House of Representatives.

But since we are in that mode, let me just say that my particular area of jurisdiction has to do with foreign aid. When the gentleman from Wisconsin (Mr. OBEY) was chairman of the Subcommittee on Foreign Operations Appropriations, I once described his job in the sense of raising a child, his job was to change the dirty diapers. It is not a pleasant task to give money to foreign countries politically. It is not something we like to go home and brag about.

But in defense of our subcommittee and our small area of jurisdiction and this overall budget application, let me say that we did exactly what we were supposed to do. We appropriated nearly \$13 billion and gave the President as much latitude as we possibly could. We debated it in committee. We had hearings. We came to the floor and the House of Representatives voted for it to keep it at \$13 billion.

The Senate did the same thing. We had resolved it in conference, or in a conference committee, and as a result we were ready to do what the Congress wanted to do.

Then, all of a sudden last week, we were sitting late at night in a meeting with OMB and I am then informed that if we do not give the President an additional billion dollars, plus 13 more billion dollars for IMF, that they are going to shut the government down.

That is not my fault. We went through this process as we were supposed to do. We had hearings. We appropriated. We got a consensus of the majority of the Members of the House and the Senate, and only last week did the President or OMB tell me, "SONNY, unless you give up \$15 billion more for IMF and for foreign aid, we are going to shut the government down."

So, I think we have responsibly done our work, and I wish we would limit this debate to the issue we are on and that is whether or not we are going to continue to operate the government for another 2 days.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, first of all, the President has never said he was going to shut the government down. In fact, he has continually said he will sign every short-term CR the Congress sends him, so long as we are doing our work.

Secondly, he did not just say now he wanted his class-size initiative. He has been pushing for it all year long. He did not just say now he wanted to have schools modernized. He has been saying it all year long. And he did not just ask for the IMF. He asked for the IMF a year ago, and Congress has been foot-dragging it and tying it to an abortion issue.

□ 1530

Virtually every issue in this Congress sooner or later gets tied by the majority party to the abortion issue and the family planning issue. That is one of the reasons that we are so hung up and cannot get anything through here.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I know a lot of these issues, all of them are very important to all of us as Americans. I know that we probably will end up completing our task this week. I am pleased that we have a balanced budget agreement and the first surplus in over three decades. I am proud of the transportation bill which means a 62 percent increase in Federal transportation dollars for my State, the State of Tennessee.

But some things I am not proud of is that we do not have a managed health care bill, no bill to reduce class size and modernize schools, being a former college president, no action to safeguard the surplus for Social Security, no bill to reduce teen smoking, no bill to reform our campaign finance system and no bill to increase the minimum wage for working families.

I realize as a Democrat we do not set the rules. We do not have the votes. But there are a lot of issues, there are a lot of problems that are still facing the American people, and we need to work together, hopefully in the 106th Congress better than we have in the 105th Congress, when it comes to being too partisan and being interested in our own vested interest and not in the best interest of the American people.

Mr. OBEY. Mr. Speaker, I yield 2 minutes and 30 seconds to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just set the stage, if I might, for a moment. Civics 101, Congress 101, whatever we want to call it, Congress is responsible for producing a budget. Congress is responsible for passing appropriations bills; that is, spending on various programs, education, defense, the environment, health care. The President gets involved at the end of the process.

So what do my colleagues mean when they say that the President is not around or has not been around? This body, in fact, has not sent the President anything to do. I will tell Members why they have not sent the President anything to do. Because we have the Congress here, Republican-controlled, I might add, in case you did not know it, that has spent the least number of workdays in decades, the least number of bills enacted in decades, no budget, no budget since the budget process began. They have not produced a budget. They are in charge. No budget.

I will tell my colleagues that they might also want to know, because it is important to know, that there were no bills to improve public education, nothing on managed care reform, campaign finance reform, bills to reduce teen smoking, protect the environment and no minimum wage increase. Zero, nada, nothing.

But one may think that this has happened because of the process here rather than by design. So let me tell my colleagues what some of their folks have said.

This is the chairman of the National Republican Campaign Committee. He said, write the 60-second commercial that we want to run the last week of the campaign, then focus the rest of the year aiming toward it.

We want to quote the Speaker of the House, who, in fact, is in charge of this body, the President is not in charge of this body, but the Speaker is, this is what he says. Other than passing a continuing resolution, and I might add, Mr. Speaker, that we are on the third continuing resolution, other than passing a continuing resolution to go home, there is nothing that we have to do between now and the election to win that election.

Someone who was a scholar about the congressional process says, it is pretty clear that when Congress left last fall, they wanted to get out as quickly as they could, come back as late as they could, and stay in as little as they could. The basic attitude of the majority, the Republican majority, is that the more we are in session, the more we will screw up. So we should just do the minimum.

Mr. Speaker, that is what they have done. They have done less than the minimum. We have a few remaining days here. Let us do something for the kids of this country. Let us increase the number of teachers that we have. Let us modernize our schools and do something for the children of America.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am delighted that the gentlewoman explained that it is the President's role to sit around and do nothing until we send him our bills. I guess that explains a lot about why we are where we are in this current dilemma with respect to the White House.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. KOLBE. Mr. Speaker, I thank the gentleman, again, for yielding me the time.

Let me just respond to a few of the things. First, to my friend and the ranking member of the Committee on Appropriations, he is right. I was wrong about the fact that in fiscal year 1995 all of the bills got done. I should have pointed out that whenever the situation was the same, that is, the reverse of what it is today, Republican-

controlled Congress, Democrat President, when all of those first 10 years that I was here it was a Republican President and Democratic-controlled Congress, and then the Democrats were not able to get all the bills done, I think that would be the apples-to-apples comparison.

The fact of the matter is, this is not an unusual process that we have been going through. The gentleman from Tennessee spoke about the fact that we had failed to pass a minimum wage. He seems to forget that we did pass a minimum wage last year, and not too many people believe, whether they are economists or otherwise or in business, that another minimum wage at this point is good for the Nation's economy and certainly not good for people at the low end of the income scale who would be the first ones that get laid off.

Finally, as the gentleman from Louisiana pointed out in response to the gentlewoman from Connecticut's remarks, since when is it the President only gets involved in the process at the end? He comes to the Congress at the State of the Union address. He has not only a budget that he presents, but he has a whole list of issues and of achievements that he would like to see us, that he would like to achieve, issues that he would like us to deal with. So he is involved from the very outset.

It is just that in this case he has chosen in the budget process to stay disengaged after proposing his budget. He has been disengaged throughout this process.

But last year we talked about the achievements of this Congress. Last year we passed the Balanced Budget Act, which gave the first tax relief in 16 years to American citizens, a \$500-a-year tax credit for every child that is under the age of 16, tax relief for those who paid their own health insurance premiums, tax relief for those who have to face the inheritance tax. So the accomplishments of this Congress are very, very substantial, and I am glad that the President has seen fit to sign some of those into law.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is not by accident that we are here today. It is intentional.

The Republicans were so giddy and so excited about the Starr investigation and the prospect of impeaching the President of the United States that they decided that they would not have to do any work today. The other half of them decided that they could push a right-wing agenda and foist it off on the President of the United States, they could sweep aside his State of the Union address, they could sweep aside his agenda and do nothing and go home and gain seats because they were going

to impeach the President of the United States.

So what did they start doing? They started reducing the workweek. They extended the time from January to March before the Congress came back. They extended the August break. They extended the July break. As a matter of fact, in the last 3 years the Republican Congress has lost 2 months of productivity. If they keep it up, by the year 2002, Congress will not meet at all. They will not meet at all because the Republicans just keep giving away the days.

They did it because they thought they had the President over a barrel. Well, the fact of the matter is, once again, their streak is perfect. Speaker GINGRICH and the Republican leadership four out of four years have underestimated the President of the United States, because the President is back here, telling them that he wants his agenda considered in this Congress that refused to consider it for this entire year.

He wants us to address education, the environment, HMO legislation, minimum wage and tobacco legislation. The Republicans thought they could get out of town without doing that.

The fact of the matter is that now they are insisting that the President do in 2 days what they could not do in 2 years. So let us understand that this is not an accident. This was intended. But we are going to respond to the President's agenda, and the President is going to keep us here until we do. Because there is a very high correlation between the President's agenda and what the American public thinks this Congress ought to be doing, that this Congress ought to be dealing with the education of our children, we ought to be helping to rebuild crumbling schools, we ought to make sure that children have technology available to them. We ought to make sure that patients are protected in the Patients' Bill of Rights so that doctors and patients control the health care and not the insurance company bureaucrats.

That is the agenda of this President. That is the agenda of the American people, and that is the agenda that the Republicans thought they could sneak out of town without addressing. It is not going to happen, Mr. Speaker. It is really not the Committee on Appropriations' fault because they get caught up in these crossfires that really their job has little or nothing to do with. They just get saddled with trying to solve this at the end of the year.

But the fact of the matter is, the fact of the matter is that this Congress ought to go back to work, and we ought to go back to work and address the needs of the American people and the agenda of President Clinton. They put an awful lot of eggs in one basket that they would have a President that was so weakened today that they could do anything they wanted with respect to the American public. They got caught at it. Now go back to work.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Speaker, I rise in support of the resolution by the gentleman from Louisiana.

I know that Members want to engage in different blame games of what goes back and forth, but I think what we really ought to be talking about is the chance for the American people to know what we are doing and the openness of the process.

There was an agreement that was made last year regarding how much money would be spent this year. The President, however, when he presented his budget wanted to spend more. And he presented a plan on how to be able to do it; namely, to have offsets through different things such as tobacco taxes, which did not materialize. Indeed, I know there are many Members on the other side of the aisle that also agreed that we should not be raising taxes, whether we called it direct or indirect taxes.

Mr. Speaker, when that extra money did not materialize, then of course we would expect that the President would say, okay, there is not as much money, therefore, here is how I will cut back on my proposals, because if we want to spend money, we have to say where is the money going to originate.

The President did not do that. We have had efforts, and I think some numbers have been presented in the last couple of days saying, here is where we can trim something else to be able to spend this money on my education programs and so forth.

Well, it is a little late in the game, but it is being looked at. I appreciate, for example, the attitude that has been displayed by the gentleman from Maryland (Mr. HOYER), also a member of the Committee on Appropriations. He has a number of times stood on this floor and said, if you want to spend the money, you should show where the tax or other offset will originate to pay for it.

We have not known what the President proposed to cut back in order to justify the additional spending that he desired. Indeed, I think the American people have a right to know. Something like that should not be presented just in a private, closed-door meeting. If you want to spend more on item A, tell us where you are going to reduce spending on item B. Unfortunately, we cannot have it both ways. So we are in this situation because of that, and I ask support of the resolution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we do need to stay here and work. I think that anyone who ignores the need for 100,000 teachers, for fixing our crumbling schools is not aware of what Americans want. If they are not listening to America with respect to



the Patients' Bill of Rights or fixing the interim payment system that our home health care agencies are crying out for, then they are not listening to the American people. If they did not realize that Matthew Shepard died last night in Wyoming, a gay man who was attacked brutally, and realize that we need to pass the Hate Crimes Prevention Act of 1998, they are not listening to America.

We need to stay here and do our job. We need to respond to America's children. We need to respond to those who need good health care. We need to respond to those who are home-bound and need good home health care. And we certainly need to respond to those who perpetrate hate by passing the Hate Crimes Prevention Act of 1998.

□ 1545

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I wish to make one or two personal comments, and I certainly do not mean to reflect or cast anything upon my colleagues from Connecticut nor California in their comments about our inabilities or our lack of accomplishments. But, nevertheless, each and every one of the issues that they spoke about was voted on and voted down by a majority of either the subcommittee, the full committee, or the House of Representatives. So they did not get their way and now they come along and want to get their way in these closing moments.

Just to add a little levity to this, the gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from Connecticut brought up a point that this Congress has met fewer days than any other Congress and this Congress has passed fewer bills than any other Congress. I doubt that that is quite factual, but even if it were, believe it or not, and it is a compliment to the diversity of this body, believe it or not some of the people in south Alabama feel like the less we do passing laws, the better off they are, and the less we work, the better off they are.

This is just to continue the operations of the government. Please vote "yes".

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time, and I rise in support, as the previous speakers have, in support of the continuing resolution and to lament the fact that just a few years ago the gentleman from Wisconsin (Mr. OBEY) offered, I offered, the gentleman from Virginia (Mr. DAVIS) on the Republican side of the aisle offered clean continuing resolutions to keep the government going while we tried to work

out our differences. That was the way to do it. We are now doing it the proper way.

And I would reiterate what the chairman and what the ranking member said. The President has indicated he has no intention of shutting down this government and will, in fact, sign short-term CRs while we come to grips with important priorities.

The President stood at that podium in early February and set forth an agenda. The response to that speech was overwhelming. He indicated that the State of the Union was good. It is. Most of us, or many of us believe it is good because of the 1993 economic program the President put on this floor and was passed in the Congress and signed by the President, which has, in fact, brought us that balanced budget.

The fact of the matter is, I say to my friend from Alabama, there are some bills that even the people in south Alabama would like and southern Maryland would like, and that is legislation to make sure that our kids have enough schools in which to be educated; that they are not crumbling down around them; that they are not dangerous and unhealthy.

The President put forth before the Congress a program to help communities build additional classrooms. And then the President said, from this podium, we understand that there is a teacher shortage, that classes are overcrowded. We have 35 to 40 students in a class, and that even the best of teachers cannot educate our children to compete around the globe with that many students. So he said, let us put 100,000 new teachers in our classrooms; just as he said, let us put 100,000 COPS on the Beat, back in 1994, and we have seen the crime rate go down.

My suggestion to my colleagues, if we came to grips, yes, even in the next 42, 48, or 72 hours with putting those 100,000 teachers in our classrooms, as crime went down, I suggest that our educational level would go up.

And, yes, my friend from Alabama has been one of the most responsible Members of this House. As he knows, he is one of my favorites. But, frankly, my fellow Members, we said we were going to pass IMF a long time ago. We promised we would get IMF done. We know the world economy is in a critical situation. We know that the stability that IMF lends to it is absolutely critical at this stage. But where is IMF? It is not yet.

Y2K was promised to be passed months ago, to make sure our computers know that the 2000 year has come and continue to operate so that our airways are safe and the taxpayers get their money back on time and all the things we need to do.

Yes, this CR is a good one, but let us come to grips with the important priorities this President has brought before us, pass them, and then we will have a success.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. BASS). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining, and the gentleman from Louisiana (Mr. LIVINGSTON) has 4½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are here long after we should be because the Republican majority is saying no to the President's request to target funding for reducing class sizes in America. We are here because the Republican majority is saying no to helping the poorest school districts in the country repair broken down and dangerous school buildings. We are here with the Congress having passed no real HMO reform legislation, only sham reform legislation. We are now even told by one of the previous speakers that the majority party is happy that they have not passed a minimum wage increase. We are here because the Republican Party is saying no to insurance coverage for women for basic contraceptive services.

There are some who would like to blame the President for everything, including the pitiful shape of the Washington Redskins. I would simply say that I have in my hand, as someone from Wisconsin used to say it, a little booklet called "How Our Laws Are Made." Even Members of Congress, I think, have sufficient reading ability in the English language to understand what the book says. And what that book says is that it is the job of the Congress to pass appropriation bills, and then it is the job of the President to decide whether he is going to sign them or veto them.

The fact is, out of the 13 appropriation bills that are supposed to be sent to the President, only four have been sent, and two of those four have been signed. That indicates, to me, that when all the buck passing is over, that the Congress, if it wants to know why we are stuck in this situation, has to look only in one place: the mirror. Because it is the congressional responsibility to fund the government.

There are lots of things our taxpayers do not want us to do. And I say to my good friend, the gentleman from Alabama (Mr. CALLAHAN), I agree with him that there are many, many pieces of legislation that this Congress has passed that I think it should not have passed, but the basic responsibility of the Congress is to fund the government. That is our basic responsibility.

For a variety of reasons, this Congress has not been able to do it. That is why we are at the table and at this point, with many, many issues still to go, are asking the Congress to get 2 more days to get the work done.

I hope we can get it done in those 2 days, but I want to emphasize that will not be the case unless there is considerably more movement than there has been to date in accepting the President's major priorities.

We have had some movement in some areas, and I welcome it. That is constructive. But we must have much



more movement on the part of the Congress, and I hope fervently that we get it before this next continuing resolution expires.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I have heard all of this lamentation by my friends in the minority who decry the fact that we have not passed their agenda. Well, I am sorry. Such are the trials and tribulations of the minority.

No, we did not want to pass the tobacco taxes because we did not think that "Joe Six-Pack" should pay any more taxes. We do not want to pass any more taxes. We passed a tax cut in this House of Representatives over the objections of most of my friends on the Democratic side, and the President threatened to veto it, and we have no tax cut. But America is still taxed as highly today as it has since World War II.

I know that the President has said he would like to fix broken schools, and that is a fine objective. I appreciate that. But 95 percent of the education budget has been picked up by the States throughout the history of this country. In fact, up until 30 years ago, 100 percent of the education budget was picked up by the States. Once one starts getting the Federal Government involved in the building of schools, there is no end to it, and the taxpayer is already overburdened.

The money does not just grow on trees. The money has got to come from somewhere, and it is a tremendous cost.

Next, there is the phony campaign finance law that the Democrats are always lamenting. I will only say that most of the campaign violations that are being investigated of existing law did not happen at the Republican National Committee. They happened elsewhere.

The provision of 100,000 teachers is an authorization bill. That is not an appropriations bill. We are talking about wrapping up the appropriations process, and that particularly concerns me because the President has all of these great ideas that he came out with for lots of extra spending, billions and billions of dollars in extra spending, back in February, notwithstanding his agreement to balance the budget. Frankly, then he went on a sabbatical and did not try to push his authorization bills, his changes of policy through the authorization process. That bill is not an appropriations bill. It is a policy change that should go through the authorization process, and it has not.

So here we stand today simply debating whether or not to keep the government open. It is our hope that the government will remain open, that we will pass this continuing resolution to

allow us to complete our business for another 2 days, and then we can close up shop.

The fact that we have debated, over the last hour, the failure of the budget process is of no real moment in this debate. It has nothing to do with why we are here. The whereabouts of the President, I have to concede, is not really our concern. The vagaries of the congressional schedule is not of any great relevance to what we are doing here.

The people that come here and lament the passage of these various bills, they shed great tears that are merely wasted water. All we are trying to do is keep the government open, nothing more and nothing less.

For those Members who lament the slow progress of the government, do they want to see whether or not we are actually doing things? Walk over there to the appropriations office, H-218, and they will see lots and lots and lots of bills that have nothing whatsoever to do with the appropriations process, but which Members, Republican and Democrat alike, would like to get in in these last few hours in this omnibus package.

I dare say they will have to wait for another day. Some of them will get through, but the main issue, the reason we are here about today, is to keep the government open and to finish our business and to take all of these grand plans that Members might have and bring them back next year. Because Congress will open in the 106th Congress on January 6, and the world will move on.

The SPEAKER pro tempore (Mr. BASS). All time has expired.

The joint resolution is considered as read for amendment.

Pursuant to the order of the House of today, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

#### MICCOSUKEE RESERVED AREA ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3055) to deem the activities of the Miccosukee Tribe of the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3055

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Miccosukee Reserved Area Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

(2) Since the commencement of the Tribe's permitted use and occupancy of the Special Use Permit Area, the Tribe's membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

#### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe's own affairs in a modern community within the Park.

(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) EVERGLADES.—The term "Everglades" means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

(3) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(4) MICCOSUKEE RESERVED AREA; MRA.—

(A) IN GENERAL.—The term "Miccosukee Reserved Area" or "MRA" means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park described in subparagraph (B) that is depicted on the map entitled "Miccosukee Reserved Area" numbered NPS-160/41.038, and dated September 30, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

(B) DESCRIPTION.—The description of the lands referred to in subparagraph (A) is as follows: "Beginning at the western boundary of Everglades National Park at the west line of sec. 20, T. 54 S., R. 35 E., thence E. following the Northern boundary of said Park in T.